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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,826	03/18/2004	Michael Puzio	PC-1654	7011
23717	7590	08/26/2004	EXAMINER	
LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922			HAMMOND, BRIGGITTE R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/803,826	Applicant(s) PUZIO, MICHAEL	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8/9/04
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9-13,17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,14-16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/18/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

Applicant's election of Species 1, claims 1-5, 14-16, 19 and 20 with traverse is acknowledged. Regarding the traversal, the examiner previously stated that "...the restriction is made because the application contains *patentably distinct species* of the claimed invention" not because different art units and/or different examiners would need to search and examine the application. The applicant was then reminded that if the applicant wishes to transverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record. **The requirement is still deemed proper and is therefore made FINAL.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 15, 16 and 19 and rejected under 35 U.S.C. 102(b) as being anticipated by Harwood 3,781,761. Fig. 3 of Harwood discloses a locking device 10 for keeping interconnected electrical cords from separating from one another, comprising: a planar elongated device 22; first and second sets of staggered arranged side edge facing slots 20 on one end of the device for allowing one end of one of the interconnected cords to be wrapped about; and a second set of

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staggered side edge facing slots on an opposite end of the device for allowing one end of another of the interconnected cords to be wrapped about, wherein pulling the interconnected cords apart causes the wrapped cords to lock into the device preventing the interconnected cords from disconnecting from one another.

Regarding claim 2, the interconnected cords of Harwood include:

a first electrical cord having a female plug end 18; and a second electrical cord having a male socket end 16 for receiving the female plug end.

Regarding claim 3, the first set of staggered arranged side edge facing slots, and the second set of staggered arranged side edge facing slots, each include: three slots, wherein two of the slots are to one side, and one of the slots is on an opposite side located between the two slots.

Regarding claim 4, the slots each include curved shaped side edge facing slots.

Regarding claim 5, the curved shaped interior edged slots have a C-shape with an opening facing to side edges of the device.

Regarding claim 8, the slots each include: hook shaped side edge facing slots.

Regarding claim 15, Harwood discloses a method of locking interconnected electrical cords together, comprising the steps of: mateably interconnecting one end of the first electrical cord with one end of a second electrical cord; wrapping the one end of the first electrical cord about opposite side facing slots along a first end of a planar shaped device; and wrapping the one end of the second electrical cord about opposite side facing slots along a

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second end of the planar shaped device, the second end being opposite the first end; and pulling the first electrical cord and second electrical cord apart causing the first cord and the second cord to lock into the respective slots.

Regarding claim 16, the slots are arranged in staggered configuration on opposite side edges of each end.

Regarding claim 19, Harwood further comprises the step of: snapping portions of the first cord and the second cord into narrow slit openings of respective slots, where diameters of the first cord portions and the second cord portions are larger than diameters of the narrow slit openings of the respective slots, so that the first cord and the second cord keeps from falling out of the slots (col. 1, line 34).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harwood in view of Duncan et al. 6,134,798. Harwood discloses the invention substantially as claimed. Harwood does not disclose ruler markings along at least one edge of the device; and using the device as a measuring tool. However, devices with ruler markings for use as a measuring tool in well known in the art as evidenced by Duncan et al. Duncan discloses a

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device 10 having ruler markings along at least one edge of the device; and using the device as a measuring tool. Therefor it would have been obvious to one of ordinary skill to modify the device of Harwood by putting ruler markings along the edge of the device to use the device as a measuring tool as taught by Duncan et al.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Laherty was cited for a similar device and Sucher 6,435,389 was cited for a device with ruler markings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brigitte R. Hammond

A handwritten signature in cursive script, appearing to read "Brigitte Hammond", written in black ink.

August 20, 2004